IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8127 of 2005

Between:

N.P. Chandra Sekhar Reddy, S/o. P. Seshasayana Reddy,
R/o. H.No. 21/3/34, S.K.D. Colony, Adoni, Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool District/ The Special Officer,
Adoni Municipality.
2 The Commissioner, Adoni Municipality, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or direction, preferably in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not executing and registering the lease deed in favour of the petitioner pursuant to the award of lease for old bus stand of Adoni town vide proceedings Roc.No.203/05/A1, dated 11.03.2005 and further action of the second respondent in issuing the impugned public auction notice in Roc.No. 203/05/A1-11, dated 05-4-2005 by including the old bus stand in item No. 2 of the notification which contract is already awarded to the petitioner vide proceedings Roc No. 203/05/A1-11, dated 11-3-2005, as illegal, arbitrary violative of Article 14, 19 and 21 of the constitution of India and consequently set aside the impugned auction notification dated 5-4-2005 in so far as Item No. 2 i.e. old bus stand with a further direction to the 2nd respondent to execute and register lease agreement in favour of the petitioner.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent No.2 : Sri.S.I Newton

The Court, at the stage of admission, made the following :

ORDER:

This writ petition is filed seeking a declaration that the action of the second respondent-Commissioner, Adoni Municipality, Kurnool District in not executing and registering the lease deed in favour of the petitioner in pursuance of the proceedings dated 11.03.2005 confirming the lease in respect of old bus stand of Adoni town as arbitrary and illegal.

It is not in dispute that the petitioner is the highest bidder and by proceedings dated 11.03.2005 of the second respondent, he was granted lease for collecting the market fees from the shopkeepers, hawkers at old bus stand, Adoni. It is also not in dispute that he has paid the lease amount for three months in advance and commenced the collection of market fees. While so, by proceedings dated 28.03.2005(served on the petitioner on 30.03.2005) the second respondent has directed the petitioner to deposit the bid amount and to enter into a lease agreement with the Municipality within two days, failing which the lease will be cancelled.

The petitioner states that since the succeeding days happened to be holidays, he could not pay the amount within the time specified by the second respondent, but on the next working day i.e., on 02.04.2005 he paid the entire lease amount. However, the second respondent refused to execute the lease deed and issued impugned tender notice dated 05.04.2005 for conducting reauction. Aggrieved by the same, this writ petition is filed.

This Court, by an order dated 13.04.2005, while granting time to the learned standing counsel for getting instructions, directed that the respondents may proceed with the impugned tender notice, but the same shall not be finalized.

Today, when the matter is taken up for consideration, learned standing counsel under instructions states that the tender in respect of item No.2 of the impugned

tender notice dated 05.04.2005 has not been finalized and that the second respondent-Municipality has decided to condone the delay in payment of the amount by the petitioner.

In the circumstances, no adjudication is necessary on merits.

Accordingly, recording the statement of the learned standing counsel, the writ petition is disposed of with a direction to the respondents to accept the payment made by the petitioner relating to the lease granted in his favour for collecting the market fee in the old bus stand of Adoni, and to take further steps in accordance with law. No costs.

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27.04.2005

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To

1 The Joint Collector, Kurnool District/ The Special Officer, Adoni Municipality.
2 The Commissioner, Adoni Municipality, Kurnool District.

3 Two C.Cs to the G.P., for Municipal Administration, High Court Buildings, Hyderabad (OUT).

4 2 CD copies

5 1 CC to MR.NEWTON.